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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ALASKA AIRLINES, INC.,

11 Plaintiff,

12 v.

13 BRADLEY CAREY and CELESTE CAREY;  
14 CAREY TRAVEL, INC., a Washington  
corporation,

15 Defendants, Counterclaimants,  
16 and Third Party Plaintiffs.

17 v.

18 POINTS INTERNATIONAL LTD.,

19 Third Party Defendant.  
20

Case No. C07-5711RBL

ORDER DENYING  
DEFENDANT'S MOTION  
FOR CONTEMPT

21 This matter comes before the Court on Defendants' Motion for Contempt [Dkt. # 244].  
22 Defendants claim that Alaska violated the terms of the court's Injunction (granted in Alaska's favor) [Dkt.  
23 #225], specifically the portion that provided: "Alaska Airlines shall not refuse to do business with  
24 Defendants to the extent the Defendants' actions or activities are not prohibited by the Alaska Airlines  
25 Mileage Plan's Terms & Conditions."

26 Defendants claim Alaska violated this provision by refusing to honor a mileage ticket obtained by  
27 a fisherman, Roos, using the miles of another fisherman, Cline, with Brad Carey's assistance.

28 Defendants claim that the second fisherman "loaned" the first fisherman the miles, and that Carey

1 did not profit from the transaction. They acknowledge that the Injunction prohibits them from “buying  
2 selling brokering or bartering miles,” but claim that Brad Carey does none of these things when he  
3 arranges mileage tickets for his customers. They also argue that Alaska has terminated Carey’s mileage  
4 plan membership and now refuses to do business with him beyond selling him revenue tickets, and that  
5 that refusal is damaging him \$1000 per day.

6 Alaska argues that it has no obligation to extend the privileges of membership in its mileage plan  
7 to Carey, and that his efforts to procure mileage tickets using Alaska’s system necessarily requires him to  
8 misrepresent his identity. Alaska has therefore asked the Court to find Defendants in Contempt of the  
9 Injunction.

10 The Defendants’ Motion for Contempt is DENIED. The Court will hear oral argument on Alaska’s  
11 Motion for Contempt [Dkt. #251] on **March 16 at 10:00**. The Parties should note that the Injunction  
12 was, from the court’s perspective, a final judgment (except for Alaska’s pending attorneys’ fees request)  
13 and the Court did not and does not anticipate a continuing role as referee over each Alaska/Carey  
14 interaction.

15 IT IS SO ORDERED.

16 DATED this 2<sup>nd</sup> day of March, 2010.

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19 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE